

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION

UNITED STATES OF AMERICA

*

v.

*

CR 612-018-12

*

DARIUS LARON CAIN

*

O R D E R

Before the Court in this criminal matter is a motion for return of the bond posted by a surety, Nicolas Cain. The surety posted bond in the amount of \$3000.00 on January 16, 2013, to secure the release of Defendant Darius Laron Cain.¹ The surety signed the bond consenting and agreeing that if Defendant Cain violated any terms or conditions of his bond, the \$3000.00 was subject to forfeiture. (Doc. 255.) The "Conditions of Release" included a prohibition against Defendant contacting, directly or indirectly, any person who is or may be a victim or witness in the investigation or prosecution, including co-defendants, while on release. (Doc. 233.)

This Court issued an arrest warrant for Defendant Cain on April 25, 2013, upon the petition of a United States Probation Officer, who had been notified that Defendant Cain had coerced

¹ This appearance bond was set at \$30,000, secured by 10% cash.

a witness to make a written statement on his behalf, then altered the statement and forged the witness's signature. (Doc. 593.) This written statement was ultimately forwarded to the United States Attorney's Office for the Southern District of Georgia. (*Id.*) Thereafter, on May 9, 2013, this Court conducted a bond forfeiture hearing and revoked Defendant Cain's bond. See Fed. R. Crim. P. 46(f)(1).

Because the bond posted by Nicolas Cain has been forfeited upon clear and convincing evidence that Defendant Cain violated the Conditions of Release, the present motion for return of the bond (doc. 1337) is DENIED. Further, the forfeited \$3,000 cash bond, plus all accrued interest, shall be applied to the outstanding balance of Defendant Cain's criminal fine.² Any remaining money is forfeited to the United States. The Clerk is directed to send a copy of this Order to Nicolas Cain.

ORDER ENTERED at Augusta, Georgia, this 9th day of July, 2018.

J. RANDAL HALL, CHIEF
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

² The Government represents that Defendant Cain still owes approximately \$1025 on his fine.